APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,673	09/24/2003	Peter J. Fasciano	A2002008(2)	8187

			EXAMINER
26643	7590	08/11/2006	TERMANINI, SAMIR

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ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/669,673	FASCIANO, PETER J.
	Examiner	**Art Unit**	
	Samir Termanini	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 September 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _24 September 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

a.   The listing of references in the specification is not a proper information

disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or

other information submitted for consideration by the Office, and MPEP § 609.04(a)

states, "the list may not be incorporated into the specification but must be submitted

in a separate paper." Therefore, unless the references have been cited by the

examiner on form PTO-892, they have not been considered.

Claim Objections

b.   **Claims 4 and 19** are objected to because periods are missing at the end of

each claim. Each claim must begin with a capital letter and end with a period.

Periods may not be used elsewhere in the claims except for abbreviations. *See* MPEP

§ 608.01(m). Appropriate correction is required.

Claim Rejections - 35 USC § 102

c.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section
122(b), by another filed in the United States before the invention by the applicant for
patent or (2) a patent granted on an application for patent by another filed in the
United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the
effects for purposes of this subsection of an application filed in the United States only
if the international application designated the United States and was published under
Article 21(2) of such treaty in the English language.
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d.   **Claims 1-16, 18-20, and 25-26** are rejected under 35 U.S.C. 102(e) as being

anticipated by *Balabanovic et al.* (US 2005/0283741 A1).

As to independent **claim 1**, *Balabanovic et al.* disclose a system for exhibiting stored digital media assets to one or more users (System, para. [0014]; *See also* Fig. 7), comprising: means for traversing an index of the digital media assets to repeatedly select digital media assets without direction defined according to the user (automatic input into the system without user direction, para. [0025]); means for sequentially presenting the selected digital media assets to a client (slideshow of images, para. [0025]); and means for storing information at the client (interface 100, para. [0029]) regarding selected ones of the presented digital media assets (track 115 shows story being authored via the selection, para. [0035]).

As to independent **claim 7,** *Balabanovic et al.* disclose a system for exhibiting stored digital media assets to one or more users (System, para. [0014]), comprising: means for traversing an index of the digital media assets to repeatedly select digital media assets without direction defined according to the user (automatic input into the system without user direction, para. [0025]); means for sequentially presenting the selected digital media assets to a client (slideshow of images, para. [0025]); and means for permitting a user at the client to provide an input indicative of interest in a presented digital media asset (add button 230, para. [0053]; *See also* Fig. 2).

As to independent **claim 8,** *Balabanovic et al.* teach a computer-implemented method for facilitating definition of a storyline using stored digital media assets ("...the system allows the user to create new stories..." *emphasis added,* para. [0026]), comprising: selecting digital media assets from among the stored digital media assets (automatic input into the system without user direction, para. [0025]); exhibiting the selected digital media assets to a user (slideshow of images, para. [0025]; *See also* Figs. 1-3), whereby at least one

of the exhibited selected digital media assets becomes a currently exhibited digital media

asset ("...image 120 corresponds to thumbnail image currently...selected...," para. [0040]);

receiving an input from the user indicative of the user's interest in the currently exhibited

digital media asset (add button 230, para. [0053]; *See also* Fig. 2); and storing, as a

sequence of scenes representing a storyline, information regarding the user's interest in the

currently exhibited digital media asset (i.e. "...photographs selected by an individual...

appears as a sequence of thumbnail images." para. [0035]).

As to independent **claim 18,** *Balabanovic et al.* disclose a computer-implemented

method for exhibiting stored digital media assets ("...displaying digital media objects to a

user...", para. [0024]), comprising: randomly selecting digital media assets from among the

stored digital media assets (ordered by time of creation or other such features, para. [0031];

or database query, para. [0032]); exhibiting the selected digital media assets to a user

(slideshow of images, para. [0025]; *See also* track 105, Fig. 1), whereby at least one of the

exhibited selected digital media assets becomes a currently exhibited digital media

asset("...image 120 corresponds to thumbnail image currently...selected...," para. [4000]);

receiving an input from the user indicative of the user's interest in the currently exhibited

digital media asset (add button 230, para. [0053]; *See also* Fig. 2); and storing information

regarding the user's interest in the currently exhibited digital media asset including an

indication of the exhibited digital media asset (e.g. "storied" 55, 535, 530, 540, Fig. 5B).

As to independent **claim 25,***Balabanovic et al.* teach a computer program product,

comprising: a computer readable medium; computer program instructions stored on the

computer readable medium that, when processed by a computer, instructs the computer to

perform a method for facilitating definition of a storyline using stored digital media assets,

comprising (computer program product, and readable storage medium, para. [0017]):

selecting digital media assets from among the stored digital media assets (automatic input

into the system <u>without</u> user direction, para. [0025]); exhibiting the selected digital media

assets to a user, whereby at least one of the exhibited selected digital media assets becomes

a currently exhibited digital media asset; ("...image 120 corresponds to thumbnail image

currently...selected...," para. [0040]); receiving an input from the user indicative of the

user's interest in the currently exhibited digital media asset (add button 230, para. [0053];

See also Fig. 2); and storing, as a sequence of scenes representing a storyline, information

regarding the user's interest in the currently exhibited digital media asset (i.e.

"...photographs selected by an individual... appears as a sequence of thumbnail images."

para. [0035]) wherein the information includes at least an indication of the exhibited digital

media asset (Fig. 5A, 5B, and Fig.6).

As to independent **claim 26**, *Balabanovic et al.* a computer program product,

comprising: a computer readable medium; computer program instructions stored on the

computer readable medium that, when processed by a computer, instructs the computer to

perform a method for exhibiting stored digital media assets, comprising: (computer program

product, and readable storage medium, para. [0017]) randomly selecting digital media

assets from among the stored digital media assets (ordered by time of creation or other such

features, para. [0031]; or database query, para. [0032]); exhibiting the selected digital

media assets to a user (slideshow of images, para. [0025]; *See also* Figs. 1-3), whereby at

least one of the exhibited selected digital media assets becomes a currently exhibited digital

media asset (add button 230, para. [0053]; *See also* Fig. 2); receiving an input from the user

indicative of the user's interest in the currently exhibited digital media asset (add button

230, para. [0053]; *See also* Fig. 2); and storing information regarding the user's interest in

the currently exhibited digital media asset(i.e. "...photographs selected by an individual...

appears as a sequence of thumbnail images." para. [0035]), wherein the information

includes at least an indication of the exhibited digital media asset (Fig. 5A, 5B, and Fig.6).

As to dependent **claims 2 and 3**, *Balabanovic et al.* further disclose that the means

for storing includes means for permitting a user at the client to provide an input indicative

of interest in a presented digital media asset (add button 230, para. [0053]; *See also* Fig. 2)

and an indication of the source of the presented digital media asset at the client (Metadata

file, para. [0063]) in a manner that allows retrieval of the presented digital media asset

(where references are in the form of a URL, para. [0063]).

As to dependent **claims 4 and 5**, *Balabanovic et al.* further teach the means for

storing to include a means for storing at the client a history describing recently presented

digital media assets (the top track 115 may contain a user's chronological browsing history,

para. [0071]) and the client to includes a means for manipulating the history to review the

presented assets (second track for later retrieval, para. [0071]).

As to dependent **claim 6**, *Balabanovic et al.* further teach the traversal is to be

apparently random (ordered by time of creation or other such features, para. [0031]; or

database query, para. [0032]).

As to dependent **claim 9** *Balabanovic et al.* further teach selecting comprises

randomly selecting digital media assets from among the stored digital media assets(ordered

by time of creation or other such features, para. [0031]; or database query, para. [0032]).

As to dependent **claim 10,** *Balabanovic et al.* further teach that the exhibiting comprises periodically initiating an update of a display, including displaying a digital media asset from among the selected digital media assets, wherein the displayed digital media asset is different from the currently exhibited digital media asset (slideshow of images, para. [0025]; *See also* Figs. 1-3) and, when displayed, becomes the currently exhibited digital media asset (showing, para. [0025]; *See also* "play screen saver feature is activated causing the screen to cycle through all the stories in the system" at para. [0067]).

As to dependent **claim 11,** *Balabanovic et al.* further teach the input indicative of the user's interest includes an input (add button 230, para. [0053]; *See also* Fig. 2) through a mechanical user interface of a computer (pointing device 708, Fig. 7).

As to dependent **claim 12,** *Balabanovic et al.* further teach receiving the input occurs during exhibition of the currently exhibited digital media asset ("add button 230 adds the currently displayed image to the working set, para. [0052]).

As to dependent **claim 13,** *Balabanovic et al.* further teach the input to further included an indication of a reason for the user's interest in the currently exhibited digital media asset (annotate as part of the story currently being authored, para. [0038]).

As to dependent **claims 14 and 15,** *Balabanovic et al.* further teach that the input comprises an indication of a lack of an interest and for a reason for said lack of interest in the currently exhibited digital media asset (remove button 235, para. [0053]; *See also* annotation at para. [0038]).

As to dependent **claim 16 and 19**, *Balabanovic et al.* further teach that each scene in the sequence of scenes is represented by a folder, and wherein storing comprises storing an indication of the currently exhibited digital media asset in the folder ("In the second track, a story might correspond to a bookmark folder, a series of pages found in the course of one search, or any other structure as is useful to the user." para. [0071]) and that storing comprises: storing a history describing recently exhibited digital media assets (*See above* at para. [0071]).

As to dependent **claim 20**, *Balabanovic et al.* further teach receiving an input from the user for manipulating the history to review the previously exhibited digital media assets (user's chronological browsing history, para. [0071]).

Claim Rejections - 35 USC § 103

e.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

f.   **Claims 17, 21-24, and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Balabanovic et al.* in view of *Boreczky et al.* (US 6,366,296 B1).

As to independent **claim 21**, *Balabanovic et al.* teach a computer-implemented method for facilitating definition of a sequence of scenes representing a storyline using digital media assets ("...the system allows the user to <u>create new stories</u>..." *emphasis added*, para. [0026]), wherein each scene has associated metadata (metadata, [0061], See also Fig.4) the method comprising: exhibiting the digital media assets to a user (slideshow

of images, para. [0025]; *See also* Figs. 1-3), whereby at least one of the exhibited digital

media assets becomes a currently exhibited digital media asset ("...image 120 corresponds

to thumbnail image currently...selected...," para. [0040]), wherein the currently exhibited

digital media asset has associated metadata (story pointed to by metadata file 500, para.

[0063]). *Balabanovic et al.* does not expressly disclose comparing of the metadata of each

scene with the metadata of the currently exhibited media asset and displaying to the user

an indication of relevance of the currently exhibited digital media asset scenes according to

the result. *Boreczky et al.* has been cited for teaching the comparing of the metadata of each

scene (selected feature, col. 2 ln. 37) with the metadata of the currently exhibited media

asset (media file being browsed, col. 2 ln. 33) and displaying to the user an indication of

relevance of the currently exhibited digital media asset scenes according to the result

(feature indicator, col. 2 ln. 20-25). It would have been obvious to one of ordinary skill in the

art, at the time the invention was made, to have used the comparative metadata indicator

as taught by *Boreczky et al.* to the digital media asset associated with metadata of

Balabanovic et al. because *Boreczky et al.* : (1) is directed to the same problem of identifying

interest in media files; (2) is in the same field of endeavor of reviewing aural, visual, or

other representations of media files; and (3) *Boreczky et al.* expressly suggests that

"Providing feature information in a media browsing system can be very useful for a user

when identifying areas of interest in a media file, controlling media playback, editing a

media file, or performing other operations with a media file." (col. 1, ln. 60-64).

As to independent **claim 27**, *Balabanovic et al.* teach a computer program product,

comprising: a computer readable medium; computer program instructions stored on the

computer readable medium that, when processed by a computer, instructs the computer to

perform a method for facilitating definition of a sequence of scenes representing a storyline

using digital media assets, wherein each scene has associated metadata, the method

comprising: (computer program product, and readable storage medium, para. [0017])

exhibiting the digital media assets to a user exhibiting the digital media assets to a user

(slideshow of images, para. [0025]; *See also* Figs. 1-3), whereby at least one of the exhibited

digital media assets becomes a currently exhibited digital media asset("...image 120

corresponds to thumbnail image currently...selected...," para. [0040]), wherein the

currently exhibited digital media asset has associated metadata; comparing the metadata

of each scene with the metadata of the currently exhibited media asset (story pointed to by

metadata file 500, para. [0063]). *Balabanovic et al.* does not expressly disclose displaying to

the user an indication of relevance of the currently exhibited digital media asset to at least

one of the scenes according to a result of the comparison. *Boreczky et al.* is cited for

teaching displaying to the user an indication of relevance of the currently exhibited digital

media asset to at least one of the scenes according to a result of the comparison. It would

have been obvious to one of ordinary skill in the art, at the time the invention was made, to

have used the comparative metadata indicator as taught by *Boreczky et al.* to the digital

media asset associated with metadata of *Balabanovic et al.* because *Boreczky et al.* : (1) is

directed to the same problem of identifying interest in media files; (2) is in the same field of

endeavor of reviewing aural, visual, or other representations of media files; and (3)

Boreczky et al. expressly suggests that "Providing feature information in a media browsing

system can be very useful for a user when identifying areas of interest in a media file,

controlling media playback, editing a media file, or performing other operations with a

media file." (col. 1, ln. 60-64).

As to dependent **claim 17**, *Balabanovic et al.* teach the limitations previously

discussed with respect to claim 8, above. *Balabanovic et al.* does not expressly disclose that

a scene has associated metadata and the currently exhibited digital media asset has

associated metadata, and wherein exhibiting comprises: comparing the metadata of the

scene with the metadata of the currently exhibited media asset; and displaying to the user

an indication of a result of the comparison. *Boreczky et al.* is cited for teaching that the

scene has associated metadata (metadata, Fig. 5A) and the currently exhibited digital

media asset has associated metadata (metadata, Fig. 6), and wherein exhibiting comprises:

comparing the metadata of the scene (selected feature, col. 2 ln. 37); with the metadata of

the currently exhibited media asset (media file being browsed, col. 2 ln. 33); and displaying

to the user an indication of a result of the comparison (feature indicator, col. 2 ln. 20-25). It

would have been obvious to one of ordinary skill in the art, at the time the invention was

made, to have used the comparative metadata indicator as taught by *Boreczky et al.* to the

digital media asset associated with metadata of *Balabanovic et al.* because *Boreczky et al.* :

(1) is directed to the same problem of identifying interest in media files; (2) is in the same

field of endeavor of reviewing aural, visual, or other representations of media files; and (3)

Boreczky et al. expressly suggests that "Providing feature information in a media browsing

system can be very useful for a user when identifying areas of interest in a media file,

controlling media playback, editing a media file, or performing other operations with a

media file." (col. 1, ln. 60-64).

As to dependent **claim 22**, *Balabanovic et al.* teach the limitations previously

discussed with respect to claim 21 above, further comprising receiving an input from a user

indicative of the user's interest in the currently exhibited digital media asset (add button

230, para. [0053]; *See also* Fig. 2); storing information regarding the user's interest in the

currently exhibited digital media asset, wherein the information includes at least an

indication of the exhibited digital media asset (i.e. "...photographs selected by an

individual... appears as a sequence of thumbnail images." para. [0035]). *Balabanovic et al.*

does not expressly disclose comparing of the metadata of each scene with the metadata of

the currently exhibited media asset and displaying to the user an indication of relevance of

the currently exhibited digital media asset scenes according to the result. *Boreczky et al.*

further teach comparing of the metadata of each scene (selected feature, col. 2 ln. 37) with

the metadata of the currently exhibited media asset (media file being browsed, col. 2 ln. 33)

and displaying to the user an indication of relevance of the currently exhibited digital

media asset scenes according to the result (feature indicator, col. 2 ln. 20-25). Thus, the

combination of *Balabanovic et al.* and *Boreczky et al.* meet the claimed limitations for the

same reasons set forth in the discussion of claim 21 above.

As to dependent **claim 23**, *Balabanovic et al.* teach the limitations previously

discussed with respect to claim 21 above, further comprising storing information regarding

the currently exhibited digital media asset in association with at least one of the scene (e.g.

"storied" 55, 535, 530, 540, Fig. 5B). *Balabanovic et al.* does not expressly disclose

comparing of the metadata of each scene with the metadata of the currently exhibited

media asset and displaying to the user an indication of relevance of the currently exhibited

digital media asset scenes according to the result. *Boreczky et al.* further teach comparing

of the metadata of each scene (selected feature, col. 2 ln. 37) with the metadata of the

currently exhibited media asset (media file being browsed, col. 2 ln. 33) and displaying to

the user an indication of relevance of the currently exhibited digital media asset scenes

according to the result (feature indicator, col. 2 ln. 20-25). Thus, the combination of

Balabanovic et al. and *Boreczky et al.* meet the claimed limitations for the same reasons

set forth in the discussion of claim 21 above.

As to dependent **claim 24**, *Balabanovic et al.* teach the limitations previously

discussed with respect to claim 21 above, further comprising receiving an input from a user

indicative of a scene with which the user wants to associate the currently exhibited digital

media asset (e.g. control buttons, para. [0020]) and storing information regarding the

currently exhibited digital media asset in association with the indicated scene (e.g.

playlists, para. [0020]). *Balabanovic et al.* does not expressly disclose comparing of the

metadata of each scene with the metadata of the currently exhibited media asset and

displaying to the user an indication of relevance of the currently exhibited digital media

asset scenes according to the result. *Boreczky et al.* further teach comparing of the

metadata of each scene (selected feature, col. 2 ln. 37) with the metadata of the currently

exhibited media asset (media file being browsed, col. 2 ln. 33) and displaying to the user an

indication of relevance of the currently exhibited digital media asset scenes according to the

result (feature indicator, col. 2 ln. 20-25). Thus, the combination of *Balabanovic et al.* and

Boreczky et al. meet the claimed limitations for the same reasons set forth in the discussion

of claim 21 above.

Conclusion

g.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure as follows:

[1]   *Fenton et al.* (US 6976028 B2) for teaching a network media asset editor.

[2]   *Zhao et al.*   (US 2004/0001079 A1) for teaching a video editing GUI.

[3]   *Piech et al.*   (US 5,442,744) for teaching a video editing multimedia storyboard editor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir Termanini whose telephone number is (571) 270-1047. The examiner can normally be reached on 9AM - 4PM, Monday-Friday (alternating Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samir Termanini
Patent Examiner
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/ST/

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SUPERVISORY PATENT EXAMINER